

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

BROOKE SEGREST)
)
 Plaintiff,)
)
 v.) Civil Case No.: _____
)
 NATIONAL AVIATION SERVICES, LLC)
)
 Defendant.)
) JURY TRIAL DEMANDED

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441(a) and 1446, Defendant National Aviation Services, LLC (“Defendant”) hereby files this notice to remove an action pending against it in the Circuit Court of the 21st Judicial Circuit of Missouri, St. Louis County to the United States District Court for the Eastern District of Missouri. In support of this removal, Defendant states as follows:

Background

1. On December 11, 2019, Plaintiff Brooke Segrest (“Plaintiff”) filed an action in the Circuit Court of the 21st Judicial Circuit of Missouri, St. Louis County, captioned *Brooke Segrest v. National Aviation Services, LLC*, Case No.: 19SL-CC05674 (the “State Court Action”).
2. In her Petition in the State Court Action, Plaintiff alleges that Defendant violated the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq. (“FLSA”).
3. On December 11, 2019, Plaintiff sent a certified letter enclosing a copy of the Petition, without including the Summons, to Defendant (“Letter”). Other than the December 11, 2019 Letter sent to Defendant, no proceedings have taken place in this matter.

4. Defendant is filing this Notice of Removal within thirty (30) days after its receipt of the Letter. Pursuant to 28 U.S.C. § 1446(b), Defendant's time to remove and to answer has not yet expired.

Removal To This Court Is Proper As The Case Presents A Federal Question

5. In her State Court Action, Plaintiff asserts claims for violations of the FLSA. *See* Petition, Count II and Count III. (**Exhibit A**).

6. This Court has original federal question jurisdiction under 28 U.S.C. § 1331 over Plaintiff's claims, in that this action involves claims arising under the laws of the United States. *See Breuer v. Jim's Concrete of Brevard, Inc.*, 538 U.S. 691 (2003) (FLSA claim filed in state court properly removed to federal court.)

7. To the extent that Plaintiff's Petition also asserts claims under State law, those claims are so related to the claims in this action within this Court's original jurisdiction that they form part of the same case or controversy under Article III of the Constitution, and this Court, therefore, has supplemental jurisdiction of those claims pursuant to 28 U.S.C. § 1337(a).

8. Based on Plaintiff's Petition, Plaintiff's State Court Action is properly removed to this Court pursuant to 28 U.S.C. §§ 1331, 1441(a), and 1446.

9. Removal is proper to the United States District Court for the Eastern District of Missouri because Plaintiff originally filed the State Court Action alleging federal statutory claims in the Circuit Court of the 21st Judicial Circuit of Missouri, St. Louis County. The United States District Court for the Eastern District of Missouri is the federal judicial district embracing the Circuit Court of the 21st Judicial Circuit of Missouri, St. Louis County, in which the State Court Action was originally filed.

Procedural Requirements Have Been Met

10. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, and orders served upon Defendant in the State Court Action are collectively attached to this Notice. (Exhibit A). Attached to this Notice as **Exhibit B** is a copy of the docket sheet from the State Court Action.

11. Pursuant to 28 U.S.C. § 1446(d), Defendant has filed this Notice with this Court, is serving a copy of this Notice upon counsel for Plaintiff, and is filing a copy of this Notice with the 21st Judicial Circuit of Missouri, St. Louis County.

WHEREFORE, Defendant hereby notifies this Court, Plaintiff, and the Circuit Court of the 21st Judicial Circuit of Missouri, St. Louis County, that the above-captioned matter, now pending against it in the Circuit Court of the 21st Judicial Circuit of Missouri, St. Louis County, has been removed to this Court.

Respectfully submitted,

/s/ Lauren M. Sobaski

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CERTIFICATE OF SERVICE

I certify that on this 13th day of January 2020, a true and correct copy of the foregoing **NOTICE OF REMOVAL** was filed using the Court's CM/ECF system and was served via U.S. Mail, postage prepaid, to the following:

Jeffrey D. Hackney, jhackney@jkm.com
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Phone: 314.448.4282

Attorney for Plaintiff, Brooke Segrest

/s/ Lauren M. Sobaski

Lauren M. Sobaski
Attorney for Defendant National Aviation Services